

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANNMARIE MALLOZZI, INDIVIDUALLY
AND ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED,

Plaintiff,

v.

INDUSTRIAL ENTERPRISES OF
AMERICA, INC.; JOHN MAZZUTO; JORGE
YEPES; DENNIS O'NEILL; and JAMES
MARGULIES,

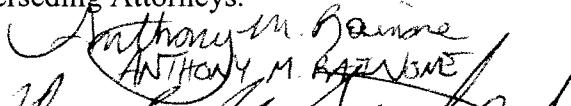
Defendants.

Case No.: 07-cv-10321 (GBD)

SUBSTITUTION OF ATTORNEY

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys that the firm of Podvey, Meanor, Catenacci, Hildner, Cocoziello & Chattman, P.C., be and hereby is substituted as counsel for defendant James W. Margulies, in place of withdrawing counsel Alston & Bird, LLP, with the consent of Mr. Margulies as set forth in his Affidavit dated August _____, 2008, given Alston & Bird LLP's advice that it cannot continue as counsel in this litigation for defendants Industrial Enterprises of America, Inc., Dennis O'Neill, and Mr. Margulies.

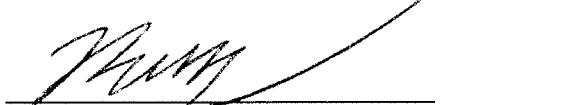
PODVEY, MEANOR, CATENACCI,
HILDNER, COCOZIELLO & CHATTMAN
A Professional Corporation
Superseding Attorneys.

By: 
~~Anthony M. Baione
ANTHONY M. BAIONE~~

Douglas E. Motzenbecker (DM -0937)
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dmotzenbecker@podvey.com

DATED: September 3, 2008

ALSTON & BIRD LLP
Withdrawing Attorneys.

By: 
~~Robert R. Long (RL -)~~

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Atlanta, Georgia 30309-3424
Phone (404) 881-7000
Facsimile (404) 881-7777
robert.long@alston.com

DATED: September 3, 2008

SO ORDERED:

United States District Judge

254009

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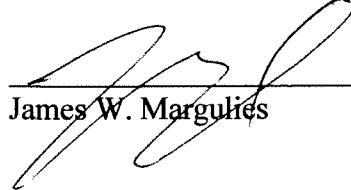
Defendants.

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AFFIDAVIT OF DEFENDANT JAMES W. MARGULIES

I, James W. Margulies, of full age hereby declare as follows:

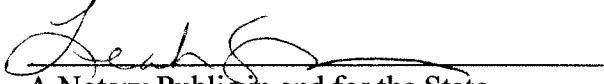
1. I am a defendant in the above-captioned matter, and am presently represented in this action by Alston & Bird LLP.
2. It has come to my attention that Alston & Bird, LLP is no longer in a position to represent me and two other parties to this litigation, defendants Industrial Enterprises of America, Inc. and John Mazzuto.
3. Accordingly, I hereby consent to the substitution of Podvey, Meanor, Catenacci, Hildner, Cocoziello & Chattman as my new attorneys.



James W. Margulies

Sworn and subscribed to before me this
27 day of August, 2008.

STATE OF OHIO)
)
) ss.
COUNTY OF CUYAHOGA)


A Notary Public in and for the State

of Ohio LEAH CAPLAN - Attorney At Law
 Notary Public - State of Ohio
 My commission has no expiration date
 Section 147.03 R.C.

254013